

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 97-74

Introduced by Council President Parrott at the request of the County Executive

Legislative Session Day No. 97-37

Date: December 9, 1997

AN ORDINANCE approving and providing for a multi-year Installment Purchase Agreement by Harford County, Maryland to acquire development rights in up to 775 acres of agricultural land located at 2211 Pennington Road, Bel Air, Maryland from William E. McGuirk, Mary P. McGuirk, Michael McGuirk, Peter P. McGuirk, Julia Paige Larson, William E. McGuirk, III, Mary Edey McGuirk, Sheila M. McGuirk, G. Derek McGuirk, Joseph M. McGuirk, Jonathan D. McGuirk, M. Terrence McGuirk, Ann Mary McGuirk, Mary Kate McGuirk, Hugh D. McGuirk, M. Andrea Rigdon, Ian McGuirk, Gregory A. Szoka, Susan S. McGuirk, or any other owner thereof for a maximum purchase price of \$2,500.00 per acre or portion thereof (excluding one acre for any existing residential dwelling); providing that the County's obligation to pay such purchase price and interest thereon shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to make modifications in such Agreement under certain circumstances; providing for and determining various matters in connection therewith.

By the Council, December 9, 1997

Introduced, read first time, ordered posted and public hearing scheduled

on: January 6, 1998

at: 7:30 p.m.

By Order: James D. Vannoy, Acting Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on January 6, 1998, and concluded on January 6, 1998.

James D. Vannoy, Acting Council Administrator

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter deleted from existing law. Underlining indicates language added to Bill by amendment. Language lined through indicates matter stricken out of Bill by amendment.

RECITALS

In accordance with the provisions of Section 524 of the Charter of Harford County (the "Charter"), the Annual Budget and Appropriation Ordinance of Harford County, Maryland (the "County") the Budget for fiscal year 1998 (the "Budget Ordinance") includes a project permitting the County to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County, which Budget Ordinance was adopted by the County Council of Harford County, Maryland (the "County Council") as part of the Budget Ordinance, in accordance with the Charter.

Section 520 of the Charter provides that "any contract, lease or other obligation in excess of three thousand dollars (\$3,000) requiring the payment of funds from the appropriations of a later fiscal year shall be authorized by legislative act, and Section 524 of the Charter provides that the County may incur debt and pursuant to Bill No. 93-2 passed by the County Council on April 6, 1993, approved by the County Executive of the County on April 20, 1993, and effective on June 21, 1993 (the "Authorizing Act"), the County has been authorized and empowered to enter into installment purchase agreements to purchase easements for agricultural land preservation purposes.

The Authorizing Act provides that after review by the Harford County Agricultural Advisory Board in accordance with the County's Easement Priority Ranking System and approval by the Harford County Board of Estimates, the County Council, may approve and provide for

1 the acquisition of the development rights in each particular parcel
2 of agricultural land, as defined in the Authorizing Act.

3 Attached to this Ordinance as Exhibit A is an application to
4 sell a development rights easement signed by the landowner where
5 agricultural land is the subject of this Ordinance.

6 Attached to this Ordinance as Exhibit B are records of The
7 Harford County Agricultural Advisory Board evaluating all
8 applications to offer development right easements to the County,
9 with each application ranked pursuant to the County's easement
10 priority ranking system.

11 The County has now determined to enter into an Installment
12 Purchase Agreement with William E. McGuirk, Mary P. McGuirk,
13 Michael McGuirk, Peter P. McGuirk, Julia Paige Larson, William E.
14 McGuirk, III, Mary Edey McGuirk, Sheila M. McGuirk, G. Derek
15 McGuirk, Joseph M. McGuirk, Jonathan D. McGuirk, M. Terrence
16 McGuirk, Ann Mary McGuirk, Mary Kate McGuirk, Hugh D. McGuirk, M.
17 Andrea Rigdon, Ian McGuirk, Gregory A. Szoka, Susan S. McGuirk or
18 any other person who is or becomes the owner of all or any portion
19 of the Land (hereinafter defined) prior to execution and delivery
20 of such Agreement, in order to acquire the development rights in
21 approximately 775 acres, more or less, of agricultural land located
22 at 2211 Pennington Road, Bel Air, Maryland within the County for an
23 aggregate purchase price not in excess of \$1,937,500.00, plus
24 interest thereon, the actual amount of the purchase price to be
25 equal to the lesser of such maximum amount or \$2,500.00 times the
26 number of acres in such land (minus one acre for any existing

1 residential dwelling located thereon), upon the terms and
2 conditions hereinafter set forth.

3 NOW, THEREFORE:

4 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF HARFORD
5 COUNTY, MARYLAND, That

6 (a) Harford County, Maryland (the "County") shall enter
7 into an Installment Purchase Agreement (the "Installment Purchase
8 Agreement") with William E. McGuirk, Mary P. McGuirk, Michael
9 McGuirk, Peter P. McGuirk, Julia Paige Larson, William E. McGuirk,
10 III, Mary Edey McGuirk, Sheila M. McGuirk, G. Derek McGuirk, Joseph
11 M. McGuirk, Jonathan D. McGuirk, M. Terrence McGuirk, Ann Mary
12 McGuirk, Mary Kate McGuirk, Hugh D. McGuirk, M. Andrea Rigdon, Ian
13 McGuirk, Gregory A. Szoka, Susan S. McGuirk or any person who is or
14 becomes the owner of all or any portion of the Land (hereinafter
15 defined) prior to the execution and delivery of the Installment
16 Purchase Agreement (the "Seller") in order to acquire the
17 development rights in approximately 775 acres of land, more or
18 less, located at 2211 Pennington Road, Bel Air, Maryland within the
19 County (the "Land"), for an aggregate purchase price not in excess
20 of \$1,937,500.00 (the "Purchase Price"), plus interest thereon as
21 hereinafter provided; provided that the actual amount of the
22 Purchase Price shall be equal to the lesser of such maximum amount
23 or \$2,500.00 multiplied by the number of acres in the Land (minus
24 one acre for any existing residential dwelling located thereon);

25 (b) The Installment Purchase Agreement shall be in
26 substantially the form attached hereto as Exhibit C and made a part

1 hereof, and in such form the Installment Purchase Agreement is
2 hereby approved as to form and content. The Installment Purchase
3 Agreement shall be dated as of the date of its execution and
4 delivery by the County and the Seller (the "Closing Date");

5 (c) A portion of the Purchase Price, in the amount
6 determined as hereinafter provided, shall be paid in cash on the
7 Closing Date. The balance of the Purchase Price shall be paid to
8 the Seller in each year thereafter to and including a date not more
9 than twenty (20) years after the Closing Date. The dates on which
10 each such installment is payable shall be determined by the County
11 Executive and the Treasurer and shall be inserted in the form of
12 the Installment Purchase Agreement attached hereto as Exhibit C;

13 (d) Interest on the unpaid balance of the Purchase Price
14 shall accrue from the Closing Date and shall be payable at least
15 annually in each year, commencing on the first of such dates to
16 follow the Closing Date and continuing to and including a date not
17 more than 20 years after the Closing Date at an interest rate equal
18 to the yield on U.S. Treasury STRIPS maturing on the date next
19 preceding the final maturity date in the Installment Purchase
20 Agreement determined as of the business day preceding the Closing
21 Date and rounded to the next highest 0.05% per annum. Interest
22 shall be calculated on the basis of a 360-day year of twelve 30-day
23 months;

24 (e) The County's obligation to make payments of the
25 Purchase Price under the Installment Purchase Agreement and to pay

1 interest thereon is and shall be a general obligation of the County
2 and is and shall be made upon its full faith and credit.

3 SECTION 2. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
4 HARFORD COUNTY, MARYLAND,

5 That it is hereby found and determined that:

6 (a) The acquisition of the development rights in the
7 Land as set forth in Section 1 of this Ordinance and in the form of
8 the Installment Purchase Agreement attached hereto as Exhibit C is
9 in the best interests of the County;

10 (b) The Installment Purchase Agreement is a contract
11 providing for the payment of funds at a time beyond the fiscal year
12 in which it is made and requires the payment of funds from
13 appropriations of later fiscal years;

14 (c) Funds for the payment of the Purchase Price under
15 the Installment Purchase Agreement are included in the Budget
16 Ordinance, As Amended;

17 (d) The County shall acquire the development rights in
18 the Land in perpetuity;

19 (e) The Purchase Price is within the legal limitation on
20 the indebtedness of the County as set forth in Article 25A, § 5(P)
21 of the Annotated Code of Maryland;

22 (f) The cost of acquiring the development rights in the
23 Land is equal to the Purchase Price;

24 (g) The only practical way to acquire the development
25 rights in the Land is by private negotiated agreement between the
26 County and the Seller.

1 SECTION 3. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
2 HARFORD COUNTY, MARYLAND, That the Installment Purchase Agreement
3 shall be signed by the County Executive of the County (the "County
4 Executive") by her manual signature, and the Installment Purchase
5 Agreement shall bear the corporate seal of the County, attested by
6 the manual signature of the Director of Administration of the
7 County (the "Director of Administration"). In the event that any
8 officer whose signature shall appear on the Installment Purchase
9 Agreement shall cease to be such officer before the delivery of the
10 Installment Purchase Agreement, such signature shall nevertheless
11 be valid and sufficient for all purposes, the same as if such
12 officer had remained in office until delivery.

13 SECTION 4. AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
14 HARFORD COUNTY, MARYLAND, That the County Executive and the
15 Treasurer are hereby authorized, prior to execution and delivery of
16 the Installment Purchase Agreement, to make such changes or
17 modifications in the form of the Installment Purchase Agreement
18 attached hereto as Exhibit C as may be required or deemed
19 appropriate by them in order to accomplish the purpose of the
20 transactions (including, but not limited to, determining the
21 portion of the Purchase Price to be paid in cash on the Closing
22 Date and establishment of interest and principal payment dates in
23 each year that the Installment Purchase Agreement is outstanding)
24 authorized by this Ordinance; provided that such changes shall be
25 within the scope of the transactions authorized by this Ordinance
26 and the execution of the Installment Purchase Agreement by the

1 County Executive shall be conclusive evidence of the approval by
2 the County Executive of all changes or modifications in the form of
3 the Installment Purchase Agreement and shall thereupon become
4 binding upon the County in accordance with its terms, as authorized
5 by Section 524 of the Charter and the Authorizing Act
6 (collectively, the "Enabling Legislation"), and as provided for in
7 this Ordinance.

8 SECTION 5. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
9 HARFORD COUNTY, MARYLAND, That the County Executive, the Director
10 of Administration, the Treasurer of the County and other officials
11 of the County are hereby authorized and empowered to do all such
12 acts and things and to execute, acknowledge, seal and deliver such
13 documents (including a Tax Certificate and Compliance Agreement)
14 and certificates as the County Executive may determine to be
15 necessary to carry out and comply with the provisions of this
16 Ordinance subject to the limitations set forth in the Enabling
17 Legislation and any limitations set forth in this Ordinance.

18 SECTION 6. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
19 HARFORD COUNTY, MARYLAND, That the Treasurer of the County is
20 hereby designated and appointed as registrar and paying agent for
21 the Installment Purchase Agreement (the "Registrar"). The
22 Registrar shall maintain, or cause to be maintained, books of the
23 County for the registration and transfer of ownership of the
24 Installment Purchase Agreement. In addition, the County may, from
25 time to time, designate and appoint the Department of the Treasury
26 of the County, any officer or employee of the County or one or more

1 banks, trust companies, corporations or other financial
2 institutions to act as a substitute or alternate registrar or
3 paying agent for the Installment Purchase Agreement, and any such
4 substitute or alternate shall be deemed to be the Registrar or an
5 alternate Registrar for all purposes specified in the resolution
6 appointing such substitute or alternate. Any such appointment
7 shall be made by the County Council by resolution and the exercise
8 of such power of appointment, no matter how often, shall not be an
9 exhaustion thereof.


10 SECTION 7. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
11 HARFORD COUNTY, MARYLAND, That for the purpose of paying the
12 installments of the Purchase Price when due and payable and the
13 interest on the unpaid portion of the Purchase Price when due and
14 payable, there is hereby levied, and there shall hereafter be
15 levied in each fiscal year that any portion of the Purchase Price
16 payable under the Installment Purchase Agreement remains
17 outstanding, *ad valorem* taxes on real and tangible personal
18 property and intangible property subject to taxation by the County,
19 without limitation of rate or amount, and, in addition, upon such
20 other intangible property as may be subject to taxation by the
21 County within limitations prescribed by law, in an amount
22 sufficient, together with the portion of the transfer tax imposed
23 on transfers of real property in Harford County which is dedicated
24 to agricultural land preservation and other available funds, to pay
25 any installment of the Purchase Price under the Installment
26 Purchase Agreement maturing during the succeeding year and to pay

1 the annual interest on the outstanding balance of the Purchase
2 Price until all of the Purchase Price under the Installment
3 Purchase Agreement and such interest have been paid in full; and
4 the full faith and credit and the unlimited taxing power of the
5 County are hereby irrevocably pledged to the punctual payment of
6 the Purchase Price under the Installment Purchase Agreement and the
7 interest on the unpaid balance of the Purchase Price as and when
8 the same respectively become due and payable.

9 SECTION 8. BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF
10 HARFORD COUNTY, MARYLAND, That this Ordinance shall take effect
11 sixty (60) calendar days after it becomes law.

EFFECTIVE: March 13, 1998

The Acting Council Administrator of the Council
does hereby certify that fifteen (15) copies of
this Bill are immediately available for
distribution to the public and the press.


Acting Council Administrator

TLMC:\AGLAND\MCGUIRK.ORD
December 4, 1997

HARFORD COUNTY BILL NO. 97-74(Brief Title) Agricultural Land Preservation -McGuirk, Rigdon and Szoka Property

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

ENROLLED

James D. Vannoy
Acting Council Administrator

Joanne S. Parrott
President of the Council

Date January 6, 1998Date January 6, 1998

BY THE COUNCIL

Read the third time.

Passed: LSD 98-1 (January 6, 1998)

Failed of Passage: _____

By Order

James D. Vannoy
Acting Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of January, 1998 at 3:00 p.m.

James D. Vannoy
Acting Council Administrator

BY THE EXECUTIVE

Colleen M. Redmann
COUNTY EXECUTIVE

APPROVED: Date January 12, 1998

BY THE COUNCIL

This Bill (No. 97-74), having been approved by the Executive and returned to the Council, becomes law on January 12, 1998.

James D. Vannoy
Acting Council Administrator

EFFECTIVE DATE: March 13, 1998